

# **Exhibit B**

**From:** [Weitzman, Avi](#)  
**To:** [Richenthal, Daniel \(USANYS\)](#); [Gross, Paul C.](#); [Fee, Adam J.](#)  
**Cc:** [PH-MenendezTeam](#); [Monteleoni, Paul \(USANYS\)](#); [Mark, Eli \(USANYS\)](#); [Pomerantz, Lara \(USANYS\)](#); [Ghosh, Catherine \(USANYS\)](#)  
**Subject:** RE: U.S. v. Menendez et al - Expert Disclosure  
**Date:** Monday, April 29, 2024 12:13:25 PM  
**Attachments:** [image001.png](#)

Daniel – from your response, can I assume that you are no longer seeking to examine the Senator on matters relating to the expert report of Mr. Richardson, but are only looking to examine him with respect to the noticed testimony from Dr. Rosenbaum. If that is the case, we are happy to discuss a government expert’s examination of the Senator, which we may not object to depending on the parties reaching an agreement as to the contours of the examination. As you know, the government’s rebuttal expert deadline was April 23, yet we have not received any notice of a government rebuttal expert. Please advise us immediately as to the identity of the government’s anticipated rebuttal expert to Dr. Rosenbaum. We will then be in a position to discuss the timing and procedures for any examination of the Senator, including defense counsel’s observation of the examination, the length of the examination, the location of the examination, etc.

We reserve all rights to object to any belated rebuttal expert notification, which was due on April 23 per the government’s agreed upon schedule.

-Avi

**PAUL  
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**Avi Weitzman | Partner | Co-Chair – Complex Litigation and Arbitration**  
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**From:** Richenthal, Daniel (USANYS) <[Daniel.Richenthal@usdoj.gov](mailto:Daniel.Richenthal@usdoj.gov)>

**Sent:** Friday, April 26, 2024 10:14 PM

**To:** Weitzman, Avi <[aviweitzman@paulhastings.com](mailto:aviweitzman@paulhastings.com)>; Gross, Paul C. <[paulgross@paulhastings.com](mailto:paulgross@paulhastings.com)>; Fee, Adam J. <[adamfee@paulhastings.com](mailto:adamfee@paulhastings.com)>

**Cc:** PH-MenendezTeam <[PH-MenendezTeam@paulhastings.com](mailto:PH-MenendezTeam@paulhastings.com)>; Monteleoni, Paul (USANYS) <[Paul.Monteleoni@usdoj.gov](mailto:Paul.Monteleoni@usdoj.gov)>; Mark, Eli (USANYS) <[Eli.Mark@usdoj.gov](mailto:Eli.Mark@usdoj.gov)>; Pomerantz, Lara (USANYS) <[Lara.Pomerantz@usdoj.gov](mailto:Lara.Pomerantz@usdoj.gov)>; Ghosh, Catherine (USANYS) <[Catherine.Ghosh@usdoj.gov](mailto:Catherine.Ghosh@usdoj.gov)>

**Subject:** [EXT] RE: U.S. v. Menendez et al - Expert Disclosure

--- External Email ---

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Avi,

On the last issue, Rule 12.2(c)(1)(B) provides that the Government may move for an examination of the defendant under procedures ordered by the Court so that we may evaluate the mental condition that is the subject of Dr. Rosenbaum’s opinion, as we stated at last week’s conference. Please let us know whether you intend to oppose such a motion.

Dan

**From:** Weitzman, Avi <[aviweitzman@paulhastings.com](mailto:aviweitzman@paulhastings.com)>

**Sent:** Thursday, April 25, 2024 6:28 PM

**To:** Richenthal, Daniel (USANYS) <[DRichenthal@usa.doj.gov](mailto:DRichenthal@usa.doj.gov)>; Gross, Paul C. <[paulgross@paulhastings.com](mailto:paulgross@paulhastings.com)>; Fee, Adam J. <[adamfee@paulhastings.com](mailto:adamfee@paulhastings.com)>

**Cc:** PH-MenendezTeam <[PH-MenendezTeam@paulhastings.com](mailto:PH-MenendezTeam@paulhastings.com)>; Monteleoni, Paul (USANYS) <[PMonteleoni@usa.doj.gov](mailto:PMonteleoni@usa.doj.gov)>; Mark, Eli (USANYS) <[EMark@usa.doj.gov](mailto:EMark@usa.doj.gov)>; Pomerantz, Lara (USANYS) <[LPomerantz@usa.doj.gov](mailto:LPomerantz@usa.doj.gov)>; Ghosh, Catherine (USANYS) <[cghosh@usa.doj.gov](mailto:cghosh@usa.doj.gov)>

**Subject:** [EXTERNAL] RE: U.S. v. Menendez et al - Expert Disclosure

Daniel,

We provided you yesterday with signed disclosures from each noticed expert witness and we have produced to you the bates-stamped documents reviewed by Dr. Karen Rosenbaum and Mr. Richardson. To address your other questions—we have complied with our obligations to provide a list of all cases in which the witnesses have testified at in the previous 4 years, as well as a list of all authored publications in the past 10 years.

We have also produced all necessary reports required under Rule 16. To the extent you are seeking notes from our experts, these will be produced according to the agreed-upon deadlines for Defendants' disclosure of 3500 material.

As for your other requests, you appear to be seeking information that we are not required to produce under the Rules. If you believe otherwise, please identify the basis for your request. We note that the government has already announced its intention to move to exclude Dr. Rosenbaum's anticipated testimony, so the requests in your email appear to be an effort to buttress your baseless motion, rather than actually obtain documents and information to which the government is entitled under the Rules.

Finally, please provide the legal basis for the government's request that the Senator submit himself "for an interview and/or evaluation . . . similar to Rosenbaum and/or Richardson." We are happy to evaluate any authority that permits the government to unilaterally demand such an interview or examination. We would, at a minimum, also request that the government provide the identity of any such expert it would like Senator Menendez to be interviewed by and identify the scope of any such interview.

Again, happy to discuss what additional notice you think the government is entitled to under the Rules given the very detailed opinions summarized in our notice (particularly when compared to the government's own notice of expert opinions)

Regards,  
Avi

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**From:** Richenthal, Daniel (USANYS) <[Daniel.Richenthal@usdoj.gov](mailto:Daniel.Richenthal@usdoj.gov)>

**Sent:** Sunday, April 21, 2024 4:17 PM

**To:** Gross, Paul C. <[paulgross@paulhastings.com](mailto:paulgross@paulhastings.com)>; Weitzman, Avi <[aviweitzman@paulhastings.com](mailto:aviweitzman@paulhastings.com)>; Fee, Adam J. <[adamfee@paulhastings.com](mailto:adamfee@paulhastings.com)>

**Cc:** PH-MenendezTeam <[PH-MenendezTeam@paulhastings.com](mailto:PH-MenendezTeam@paulhastings.com)>; Monteleoni, Paul (USANYS) <[Paul.Monteleoni@usdoj.gov](mailto:Paul.Monteleoni@usdoj.gov)>; Mark, Eli (USANYS) <[Eli.Mark@usdoj.gov](mailto:Eli.Mark@usdoj.gov)>; Pomerantz, Lara (USANYS) <[Lara.Pomerantz@usdoj.gov](mailto:Lara.Pomerantz@usdoj.gov)>; Ghosh, Catherine (USANYS) <[Catherine.Ghosh@usdoj.gov](mailto:Catherine.Ghosh@usdoj.gov)>

**Subject:** [EXT] RE: U.S. v. Menendez et al - Expert Disclosure

Our email system has not been working properly with respect to external email addresses, so am re-sending the below.

**From:** Richenthal, Daniel (USANYS)

**Sent:** Saturday, April 20, 2024 3:45 PM

**To:** Gross, Paul C. <[paulgross@paulhastings.com](mailto:paulgross@paulhastings.com)>; Weitzman, Avi <[aviweitzman@paulhastings.com](mailto:aviweitzman@paulhastings.com)>; Fee, Adam J. <[adamfee@paulhastings.com](mailto:adamfee@paulhastings.com)>

**Cc:** PH-MenendezTeam <[PH-MenendezTeam@paulhastings.com](mailto:PH-MenendezTeam@paulhastings.com)>; Monteleoni, Paul (USANYS) <[PMonteleoni@usa.doj.gov](mailto:PMonteleoni@usa.doj.gov)>; Mark, Eli (USANYS) <[EMark@usa.doj.gov](mailto:EMark@usa.doj.gov)>; Pomerantz, Lara (USANYS) <[LPomerantz@usa.doj.gov](mailto:LPomerantz@usa.doj.gov)>; Ghosh, Catherine (USANYS) <[cghosh@usa.doj.gov](mailto:cghosh@usa.doj.gov)>

**Subject:** RE: U.S. v. Menendez et al - Expert Disclosure

Counsel,

We are in receipt of your letter of last night, dated April 19, 2024, regarding Karen Rosenbaum and Russell Richardson. Assuming *arguendo* that the noticed testimony might be proper, which we do not concede, we write to inform you that the letter does not satisfy Rule 16(b)(1)(C) and also indicates that Menendez has failed to comply with his obligations under Rule 16(b)(1)(B). These failures must be rectified by Monday, April 22, at 5:00 p.m., or we expect to seek relief from the Court.

First, the disclosures were not signed by the noticed witnesses pursuant to Rule 16(b)(1)(C)(v), which requires the witness to "approve



and sign the disclosure.”

Second, the disclosures do not confirm that they contain “a list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition,” Fed. R. Crim. P. 16(b)(1)(C)(iii), and “a list of all publications authorized in the previous 10 years,” Fed. R. Crim. P. 16(b)(1)(C)(iii).

Third, it is apparent that Rosenbaum has met with Menendez and conducted various examinations and/or tests. The Government has not received the reports of any such examinations and tests pursuant to Rule 16(b)(1)(B). Those should have been produced promptly upon their completion – Menendez must now belatedly comply with his obligations.

Fourth, identify with specificity the “relevant scientific literature” referenced in the letter in your description of the bases for Rosenbaum’s alleged conclusions. Without such information, the notice is not sufficient.

Fifth, identify by Bates number the “photographs of the cash seized from Senator Menendez’s home, Senator Menendez’s bank records, and photographs taken of the interior of Senator Menendez’s home” that Rosenbaum reviewed, or provide such photographs. Without such information, the notice is not sufficient.

Sixth, produce pursuant to Rule 16(b)(1)(A) the “records of Senator Menendez’s depository accounts, credit card statements, tax returns, [and] financial disclosures and related financial documents” that Richardson reviewed. To the extent the records were from the Government’s discovery productions, identify by Bates number the documents he reviewed. Without such information, the notice is not sufficient.

Seventh, provide an estimate of the amount of time that Rosenbaum and Richardson each spent with Menendez.

Finally, please confirm whether Menendez will be made available to Government expert(s) for an interview and/or evaluation of him similar to Rosenbaum and/or Richardson. Please also provide the dates, times, and locations that would be convenient for such meetings, so that we may plan accordingly.

Regards,

Daniel C. Richenthal  
Deputy Chief, Criminal Division  
Assistant United States Attorney  
United States Attorney’s Office  
Southern District of New York  
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**From:** Gross, Paul C. <[paulgross@paulhastings.com](mailto:paulgross@paulhastings.com)>

**Sent:** Friday, April 19, 2024 9:59 PM

**To:** Richenthal, Daniel (USANYS) <[DRichenthal@usa.doj.gov](mailto:DRichenthal@usa.doj.gov)>; Monteleoni, Paul (USANYS) <[PMonteleoni@usa.doj.gov](mailto:PMonteleoni@usa.doj.gov)>; Mark, Eli (USANYS) <[EMark@usa.doj.gov](mailto:EMark@usa.doj.gov)>; Pomerantz, Lara (USANYS) <[LPomerantz@usa.doj.gov](mailto:LPomerantz@usa.doj.gov)>; Ghosh, Catherine (USANYS) <[cghosh@usa.doj.gov](mailto:cghosh@usa.doj.gov)>

**Cc:** Weitzman, Avi <[aviweitzman@paulhastings.com](mailto:aviweitzman@paulhastings.com)>; Fee, Adam J. <[adamfee@paulhastings.com](mailto:adamfee@paulhastings.com)>; PH-MenendezTeam <[PH-MenendezTeam@paulhastings.com](mailto:PH-MenendezTeam@paulhastings.com)>

**Subject:** [EXTERNAL] U.S. v. Menendez et al - Expert Disclosure

Dear Counsel,

I attach Senator Menendez’s expert witness disclosure.

Best,  
Paul

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**Paul C. Gross | Litigation Associate**

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